

From: ChrisSchlueter@comcast.net [mailto:ChrisSchlueter@comcast.net]  
Sent: Friday, October 21, 2005 6:50 PM  
To: ATR-Real Estate Workshop  
Subject: Competition and the Real Estate Workshop" -- Comment, Project  
No. V050015  
Importance: High

Attached, please find my comments on this matter.

Sincerely,  
Christian J. Schlueter, e-Pro  
REALTOR®  
RE/MAX at Barnegat Bay, TOMS RIVER 1130 Hooper Avenue, Toms River, NJ  
08753  
Direct: 609-693-8858 Office: 732-914-0074  
E-Mail: Chris@homes4people.com  
<mailto:Chris@homes4people.com>  
Web Pages: Homes4People.com <<http://www.homes4people.com/>> and  
Remax-NJ.com <<http://www.cschlueter.remax-nj.com/>>  
NJ Assn of Realtors, Circle of Excellence Sales Award; Platinum Level  
2004, 2003, 2002; Gold Level 2002, 2001  
NJ Assn. of Realtors, Realtor-Associate of the Year 2003  
Ocean County Board of Realtors, Realtor-Associate of the Year 2003  
If you know of anyone who may be looking to Buy or Sell their Home and  
would  
be interested in the level of Service that we provide, please send us  
their  
name, phone number or e-mail address, and we would be happy to assist  
them.  
Thank you!

---

715 Colgate Avenue  
Lanoka Harbor, NJ 08734  
October 22, 2005

Antitrust Division  
U.S. Department of Justice  
Liberty Place, Suite 300  
Attention: Lee Quinn  
325 7th Street, NW  
Washington, DC 20530

Subject: "Competition and the Real Estate Workshop" -- Comment, Project No.  
V050015

Dear Sir or Madam,

I have been a licensed REALTOR® in the State of New Jersey since 1985. During that time, I have seen the Real Estate Market and Highs and Lows. During the 'Low' periods, or as Congress likes to refer to it as the 'burst of the Real Estate bubble', issues such as competitiveness and Real Estate Commission rates, never seem to become an issue. Many of the 'discount' or 'limited' service brokers seem to fade away during that time period, simply because the nature of our business requires a more concentrated marketing effort on the part of REALTORS

During my 20 years in Real Estate, there has always been competition in the industry, something that I face every day. You get to continue to exist in this business by proving your worth to your clients, past, present and future. The decision of continued existence in this business is ultimately up to the consumer, the people who hire us, to market their home, in the way that the OWNER and REALTOR® agree to do so. OWNERS do not rely on Congress or the Justice Department, nor should they, to advise them how they should sell their home, and what methods they should use, or how much they should pay.

Both as a REALTOR®, Taxpayer and Voter, I believe Congress' and the Justice Department's interest in our industry would be best served rooting out those who claim to provide a service to people, but actually do not. Both the World Trade Center and Katrina Disasters, gave birth to fraudulent entities trying to collect money under false purpose, and should be an important lesson learned.

The real estate industry is a representation of competition that works. In an economy in which large, national corporations -- such as Wal-Mart and Microsoft -- dominate the marketplace, real estate stands apart. We are an industry made up predominantly of small businesses and independent contractors who represent the entrepreneurial spirit this country was founded on.

All of us serve localized markets where we compete for business every day. Fierce competition is fueled largely by the uniquely intense and personalized nature of the service we provide to our clients -- which, in turn, determines our future success through referrals and return business.

Barriers to entry in the Real Estate business are low. If you are **willing** to take the time to learn the business in your local market, pass the state license examination and adhere to the REALTOR® code of ethics, there is nothing to stand in the way of success in this industry. I had to learn the business and pass the state licensing examination, but it is **my own** work ethic, commitment to

professional standards and dedication to client satisfaction that determine my success.

Even through the economic downturns our country has experienced in the past few years, our industry has continued to provide opportunity -- something I would say is confirmed by the thousands of new agents that join our vocation every year and the over 2 million Americans who are now licensed to provide professional real estate services in communities across the country.

Nothing encourages a competitive business environment more than providing consumers with choice. In the residential real estate marketplace, consumers not only are able to choose from **more than** 76,000 brokerage firms and **more than 1.2 million REALTORS®**, but also from a variety of business models.

The Multiple Listing Service (MLS) is a cooperative, BROKER TO BROKER offer of cooperation and compensation that assists both brokers and customers buy and sell homes. It is not a public utility, nor should it be.

The beauty of the MLS is that it allows real estate brokerages of **every size** to compete on a level playing field. It gives all of us access to an inventory of property listings that we are able to show and sell to our clients.

The MLS doesn't discriminate. All MLS members are treated equally, regardless of their size or their business model, and yet the rights of property owners and their listing brokers are respected. The rules of the MLS achieve a delicate balance between respecting the rights of listing brokers so they will continue to be willing to contribute their inventory of listings and permitting cooperating brokers the ability to show those listings and be assured of receiving compensation if they bring about a successful sale.

From my perspective, the new NAR ILD policy is a win-win for consumers and REALTORS®.

It works for consumers because **it gives home sellers a choice** whether to permit marketing of their property on the Internet and in selecting an MLS

member with whom they want to work. It allows them to "opt-in" and have their property displayed on other brokers' Web sites even if they are working with a broker who does not participate in sharing his listings for display by his competitors. And it works for REALTORS® because it gives us the right to control where our listings are displayed on the Internet.

As a REALTOR®, I am not afraid of competition, I welcome it and deal with it on a daily basis. What I am afraid of is, that because the Justice Department and the FCC in my judgment, do not know the Real Estate Business, they buy all of the garbage being put out by some of the complaining businesses, who have a problem competing, not because of price, but because of service. It is kind of like the Disclaimer spoken at the end of an Automobile advertisement, which is spoken fast enough to almost break the sound barrier, but when slowed down, usually negates everything that was offered in the advertisement.

The current road on which the Justice Department is headed, will in my opinion, do more to remove competition than to promote it and if successful, will allow entities into this business with minimally enforced FEDERAL rules and regulations, which will hurt the same people that the Justice Department is trying to protect.

Thank you for taking the time to consider my opinion.

Sincerely,

*Christian J.*

*Schlueter*

